

### REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

This amendment is submitted in accordance with 37 C.F.R. § 1.116, which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment places the claims in condition for allowance, and does not raise new issues requiring further search and/or consideration.

Therefore, it is respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

Claims 1-12 are pending. Claims 1, 3, 9-10 and 12 are amended to clarify the features contained therein and to address potential informalities. No new matter is introduced.

In the outstanding Office Action, the specification was objected to; Claims 1-7, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamatsu (U.S. Patent No. 6,687,901) in view of Winters (U.S. Patent No. 7,100,011, hereafter “Winters”); Claims 8 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamatsu and Winters in further view of Shaw (U.S. Patent No. 6,381,741); and Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamatsu and Winters in further view of Peng (U.S. Patent No. 6,959,436).

Initially, it is believed that amendments to the claims render the objection to the specification moot. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

Turning to the rejection of Claims 1-7, 9 and 10 as being unpatentable over Imamatsu in view of Winters, Claim 1 is amended to recite, *inter alia*, a communication terminal

including a rewritable non-volatile memory and a rewritable volatile memory, and also including:

means for limiting operation of software using the rewritable volatile memory *in response to a received update file information* and securing, *in response to the received update file information*, an area required for storing the update file in the rewritable volatile memory before receiving the update file from a software management server...(Emphasis added.)

The primary reference, in Imamatsu, describes a method for updating software in a radio terminal device (200) of a mobile communication system that also includes a base station (400) and a software-supply device (100) connected therewith via a network (300).<sup>1</sup> Imamatsu describes that the radio terminal device (200) includes a CPU (201), a radio communication unit (205), a main memory (202), and a buffer memory (206).<sup>2</sup> Further, Imamatsu describes that the memory map of main memory (23) is partitioned into ROM (32), FLASH ROM (33), the download buffer (44) and battery backup RAM (34).<sup>3</sup> The download buffer (44) temporarily stores a newly downloaded control-software from the software-supply device (100).<sup>4</sup>

However, Imamatsu does not describe securing, in response to control-software information, an area in main memory (23) for storing the control-software. Instead, Imamatsu describes that the size of the download buffer (44) is chosen to be as small as possible to limit the memory size of the terminal device (10), and illustrates a *fixed* download buffer (44) of 1 MB.<sup>5</sup> Further, Imamatsu describes that the memory address of the software storage (i.e., a main memory (23)) is *fixed by the structure of the CPU (22)*.<sup>6</sup> In other words, Imamatsu describes a fixed-size buffer (44) whose size is determined when the FLASH ROM (33) is specified, and whose address structure in the CPU (22) memory map is fixed. Thus,

<sup>1</sup> Imamatsu at column 3, lines 13-34; see also Figure 2.

<sup>2</sup> Imamatsu at column 3, lines 56-67; see also Figure 2.

<sup>3</sup> See Figure 4A of Imamatsu.

<sup>4</sup> Imamatsu at column 7, lines 5-20.

<sup>5</sup> Imamatsu at column 7, lines 5-20; see also Figure 4A.

<sup>6</sup> Imamatsu at column 5, lines 54-60.

Imamatsu permanently dedicates a *fixed* amount of FLASH ROM (33) as the download buffer (44) that is only used when downloading new control-software from the software-supply device (100). Nothing, however, in Imamatsu describes that the size of the download buffer (44) is secured in response to any message received from the software-supply device (100), much less a message related to the control-software. Conversely, amended Claim 1 recites that the means for limiting secures, *in response to the update file information*, an area required for storing the update file in the rewritable volatile memory. Therefore, Imamatsu fails to disclose the claimed means for limiting, and Winters does not cure this deficiency in Imamatsu. As such, no combination of Imamatsu and Winters describes every feature recited in amended Claim 1, and amended Claim 1 is believed to be in condition for allowance, together with its corresponding dependent claims.

Moreover, amended Claims 9-10 recite features substantially similar to those recited by amended Claim 1, and are therefore believed to be in condition for allowance, together with their corresponding dependent claims, for substantially the same reasons. Accordingly, it is respectfully requested that the rejection of Claims 1-7, 9 and 10 under 35 U.S.C. § 103(a) be withdrawn.

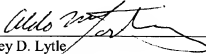
As all other rejections of record rely upon Imamatsu for describing the above-distinguished features, and Imamatsu does not disclose or suggest the above-distinguished features, alone or in combination with any other art of record, it is respectfully submitted that a *prima facie* case of obviousness has not been presented. Accordingly, it is respectfully requested that the rejection of Claims 8, 11 and 12 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-12 is earnestly solicited.

Should, however, the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP §714.13 specifically rebutting the points raised herein.

Respectfully submitted,

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